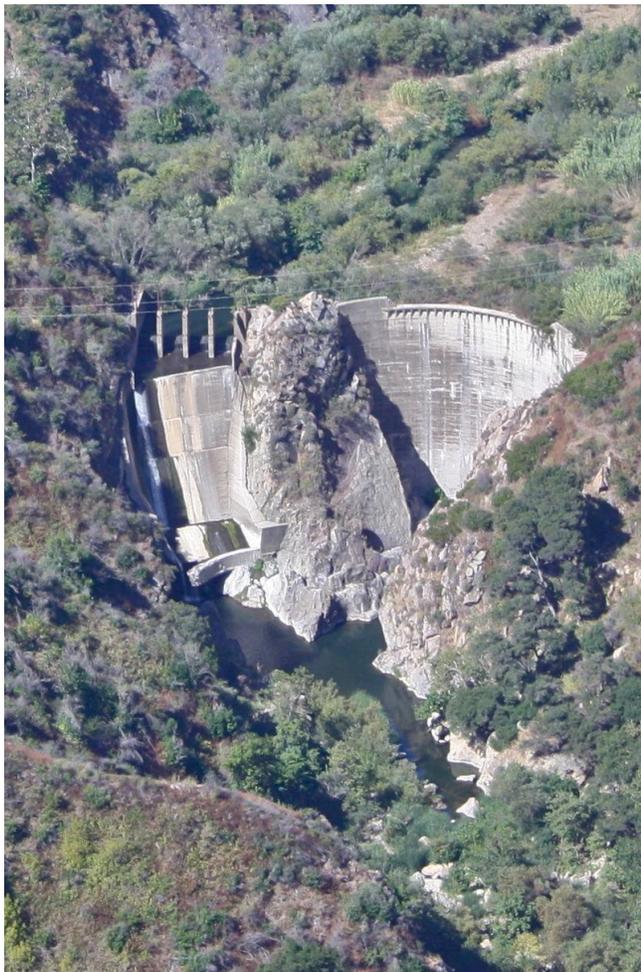


Project: Rindge Dam Removal Pathway Risk-Benefit Assessment Request for Proposal (RFP)



Date RFP Released: 2/19/2019

Project lead: California State Parks

Primary Contact for RFP Response

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 California Trout
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RFP Timeline

Event	Date
RFP Distribution	02/19/2019
Deadline for submission of proposals	03/12/2019
Consultant Selection	03/26/2019

Project Timeline

Event	Date
Work Scope Start/Kick-off Meeting	04/16/2019
Monthly Meetings	May – Sept 2019
Draft and Final Report Due	9/6/2019; 10/4/2019

Link to Rindge Dam Information:

<https://californiatroutinc.app.box.com/s/zk05my3nnoxphhyo4kdd1telkbnnrbc5/folder/52896135375>

Project Background

Rindge Dam, a 100-ft high concrete dam and spillway structure finished in 1926 on the Rindge family property, was used as a water supply for irrigation and household use in Malibu through the 1960s. The reservoir filled with sediment by the 1940s and the dam was decommissioned in 1967. It was purchased thereafter by the California Department of Parks and Recreation State Parks (DPR) as part of Malibu Creek State Park.

Rindge Dam is located in lower Malibu Creek, three miles upstream of the Pacific Ocean. The Malibu Creek watershed spans Los Angeles and Ventura Counties, and is an important regional ecological corridor linking Santa Monica Bay, the Malibu Lagoon and riparian systems transitioning from hilly coastal areas to interior plains and valleys. The watershed represents a unique opportunity for systemic and sustainable ecosystem restoration in highly urbanized southern California. This dam was deemed obsolete in the 1950s due its lack of function as a water storage facility and has been the subject of removal planning for decades. Dam removal is an important element in endangered steelhead recovery and is identified in the National Marine Fisheries Service (NMFS) Southern Steelhead Recovery Plan as a priority action.

Rindge Dam altered the natural geomorphic, riparian and aesthetic character of Malibu Creek. The dam has trapped >780,000 cubic yards of sediment that was naturally destined for the coastline to support beach nourishment and prevent coastal erosion. The dam is a migratory barrier to aquatic and terrestrial species. The lower three miles of Malibu Creek are designated critical habitat for the endangered Southern California steelhead trout (steelhead), a keystone species blocked from accessing miles of former spawning and rearing habitat in Malibu Creek and tributaries. Removing Rindge Dam and eight upstream aquatic habitat barriers in the watershed will restore 19 miles of current and historic steelhead habitat in the Malibu Creek watershed. Planning objectives for dam removal are to: establish a more natural sediment transport regime; re-establish habitat connectivity along Malibu Creek and tributaries; and restore aquatic habitat quality in Malibu Creek.

Malibu Creek Ecosystem Restoration Feasibility Study

The dam removal process was formalized when the U.S. House of Representatives commissioned the “Malibu Creek Ecosystem Restoration Feasibility Study” in 1992, requesting a solution that improved the Malibu Creek watershed and the Malibu shoreline. The Army Corps of Engineers (USACE) led this study whose purpose was to investigate ecosystem restoration opportunities within the Malibu Creek watershed to the nearby Pacific Ocean shoreline, specifically addressing aquatic and riparian ecosystem habitat connectivity problems and potential restoration of a more natural sediment transport regime. The scope of the study focused on water resources within the lower portion of the watershed impacted by the construction of dams, roads and other infrastructure that resulted in disruptions to the natural sediment transport regime, migratory delays, and barriers to historic spawning and rearing habitat for aquatic and terrestrial species.

The draft Malibu Creek Ecosystem Feasibility Study report released in January 2017 is an Integrated Feasibility Report (IFR) and joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR, part of the IFR). Much of the Study area is within the Malibu Creek State Park and Malibu Lagoon State Beach park units, and is managed by DPR. This area is also part of the Santa Monica Mountains National Recreation Area, administered by the National Park Service (NPS). This IFR includes the alternatives analysis and identification of a National Ecosystem Restoration (NER) Plan and a Locally Preferred Plan (LPP). DPR intends to pursue the LPP.

There are four primary alternatives included in the report: No Action (Alternative 1) and three action alternatives (Alternatives 2, 3, and 4) with multiple options (sub-alternatives). The Alternative 2 options include removal of the Rindge Dam concrete arch and impounded sediment removal using traditional mining methods, and consideration of various shoreline and upland placement options for the impounded sediment. The mostly sands layer of the impounded sediment, an estimated 276,000 cubic yards, would be placed along the Malibu shoreline or nearshore area using trucks (shoreline) or a combination of trucks and barges (nearshore). The remainder would be disposed of at a local landfill unless alternative reuse options are identified.

A quantitative model was used to estimate changes to habitat values in the watershed and compare the incremental costs and benefits of implementing alternative measures. A list of prior studies conducted by various groups is included in References section of the draft report.

Alternatives also underwent a cost effectiveness analysis to evaluate combinations of Rindge Dam and impounded sediment removal, along with consideration of modifications of eight upstream barriers on Cold Creek and Las Virgenes Creek. The alternatives range between \$118-\$211 million.

The Locally Preferred Plan (LPP)

DPR indicated its intent to pursue Alternative 2b2 as the Locally Preferred Plan (LPP). The LPP is similar to the USACE's NER Plan regarding actions described for the Rindge Dam and impounded sediment removal and removal of eight upstream barriers. The differences in these plans include the method of transport and placement of the mostly sands. The LPP proposes using trucks and barges for nearshore placement, and adding the removal of the Rindge Dam spillway.

The LPP allows for direct transport of sediment mined from the Rindge Dam impounded sediment area up Malibu Canyon and Las Virgenes Road, to Lost Hills Road, U.S. Highway 101 and finally the Ventura Harbor about 40 miles away from the dam. Material would be offloaded from trucks and placed on barges for transport to the Malibu shoreline east of the Malibu pier. The use of barge allows for more flexibility in the timing and location for placement of mostly sands, reducing risks of habitat and species disturbances during placement activities. As in the NER Plan, nearly two-thirds of the estimated impounded sediment would still be trucked about seven miles each way from the impounded sediment site to the Calabasas landfill. Habitat Evaluation outputs remain the same as those calculated for the NER Plan, but overall costs increase. The likely LPP construction timeframe is about eight years due to seasonal construction and daily trucking restrictions. As each year passes, the total cost estimate increases and may now exceed \$200M.

The project has received significant support from the public, local environmental groups, and politicians, including the offices of Senator Feinstein, former U.S. Representative Henry Waxman (33rd District), former Los Angeles County Supervisor Zev Yaroslavsky (3rd District), former State Senator Fran Pavley (27th District), and others. Outreach will continue as this project moves forward including Representative Ted Lieu (33rd District), State Senator Henry Stern (27th District), State Assembly Member Richard Bloom (50th District), Los Angeles County Supervisor Sheila Kuehl (3rd District) and local residents, officials and special focus and environmental groups.

Current Status

DPR was interested in Federal participation in Malibu Creek Ecosystem Feasibility Study due to project's technical complexity, expected duration for planning and construction, public sensitivity

CA Department of Parks and Recreation: RFP – Rindge Dam Removal Pathway Risk-Benefit Assessment to potential downstream effects, and significant personnel and funding needs.

- A Feasibility Cost Sharing Agreement (FCSA) was in place between the DPR, the non-Federal sponsor for the study, and the USACE in 2001, initiating the feasibility phase of the study. The cost of the feasibility phase study is shared equally between USACE and DPR.
- The project is nearing completion of the Environmental Review phase initiated in 2000. Public California Environmental Quality Act/National Environmental Policy Act (CEQA/NEPA) review for the EIR/EIS was completed in early 2017. Final edits to the document and federal permits are close to completion as of early 2019.
- NMFS identified components of the project description in which USACE needs to better define project elements and complete technical studies to adequately assess impact to endangered Southern California steelhead. These include statement of avoidance/minimization measures for steelhead during construction; monitoring for steelhead during increased sediment transport during dam removal; updated sediment transport modeling to gauge impacts on stream and estuary habitat for steelhead; dewatering issues; stream geomorphology during project implementation; and fish passage design for upstream fish passage barrier removal. The NMFS Biological Opinion is currently anticipated for completion during the design stage so that some or all of these points can be addressed.
- The Design phase would take two to three years and could start as early as 2021.
- Construction could extend for eight years and start as early as 2025. The current Environmental Review phase is fully funded at ~\$6.5 million assuming no significant additional delays. Design and Construction phase costs are anticipated to be in the \$200-250M range. The most significant costs are associated with disposal of non-nearshore compatible material at the Calabasas Landfill.

General Scope of Work and RFP Description

Near-Term Strategy

DPR will finish the Environmental Review phase with the Army Corps as it is nearly complete. It is unclear whether continuing to work with USACE past this stage is the best course of action. Although USACE provides a significant 65% match for the Design and Construction phases and important technical expertise, as an organization they are known for significant cost overruns, complicated and time-intensive bureaucratic processes, and an unclear record of successful implementation of similar projects. Congressional authorization of federal funds is also expected to be challenging.

RFP Description

This RFP is for a consulting firm to provide a detailed analysis of two alternatives: 1) continuing to work with USACE to design and construct the LPP; or 2) continuing the project without USACE partnership and funding. This analysis should compare the two scenarios via Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis and other risk assessment tools. At a minimum, the report will address the following: track record of successful large dam removal by USACE; other federal partner possibilities; NEPA/CEQA process considerations; and funding

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Project Team and Consultant Communication

Meetings will be held at least monthly between the consultant and project team. More frequent check-ins with the DPR Project Manager may be requested as needed. Consultant will provide summaries of monthly meetings; and a draft and final report that includes Tasks 1-5. A five-month project completion schedule is envisioned, although other timelines may be considered if justified.

Dam Removal Landscape Analysis

Task 1. Review of successful national dam removal projects and USACE's track record for Design and Construction phases

- 1.1 Provide comparative overview of federal leads and dam removal processes for major dam removal projects in the U.S. which may include Condit Dam (White Salmon River, Washington), Elwha and Glines Canyon Dam (Washington), Sabin Dam (Boardman River, Michigan), Elkhart River Dam (Elkhart River, Indiana), Lower Snake River Dams (Washington), Matilija (Ventura River) and others that are relevant.

Evaluate USACE's record of successful major dam removal projects, specifically Design and Construction phases. If appropriate, identify causes of failure and feasibility of avoiding pitfalls. Which federal leads or other parties have successful track record?

As part of the comparative review, identify at a minimum the following for each dam removal project: permits received and any unique permit processes utilized; duration of design and implementation phases; estimated vs actual costs of design and implementation phases; issues encountered; lessons learned and key project leads.

- 1.2 Compile list of resources of U.S. dams and removals of dams >50 ft high: American Rivers; ACE; U.S. Geological Survey, and others as discovered by consultant.

Analysis of Changing Federal Partners

Task 2. Identify potential alternative federal leads and the consequences of changing to one of these entities vs continuing with USACE. Identify and discuss other federal partners that could or should be involved.

- 2.1 Assess the potential for the following to participate directly or indirectly in the project:
 - National Oceanographic and Atmospheric Administration;
 - U.S. Forest Service;
 - Natural Resources Conservation Service;
 - NPS;
 - U.S. Fish & Wildlife Service;
 - Environmental Protection Agency;
 - NMFS; and
 - Bureau of Reclamation.

2.2 Identify actions in which USACE may contribute to project through the USACE Continuing Authorities Program (CAP) or other appropriate programs.

2.3 Evaluate how the absence of USACE as the federal lead changes the required documentation and process under CEQA/NEPA. If DPR continues to work with USACE, assess the likelihood and type of subsequent/supplemental environmental document that would be required during the design phase. What are the consequences if USACE was no longer involved either before or after the EIR/EIS certification? Would a new EIR/EIS be required if the federal lead changes post-certification?

2.4. Evaluate how the absence of USACE from the design and construction phases of the project would affect the Coastal Consistency Determination (CD), equivalent USACE 404 and Regional Water Quality Control Board 401 approvals and Biological Opinions from USFWS/NMFS and other relevant project permits. Would existing approvals be usable and transferable to new federal lead, or would new ones be needed? What process is involved with transferring or acquiring new approvals?

2.5 Identify and discuss other relevant consequences/benefits of continuing or not continuing to work with USACE.

Funding Analysis and Timeline

Task 3. Prepare Funding Plan and Timeline for Rindge Dam removal under the LPP alternative with and without USACE. Include impact of funding brought through federal partners for design and construction.

3.1 Prepare an overview of funding sources and packaging of these sources into a viable funding plan comparing scenario with or without USACE as the federal lead, similar to the Funding Plan developed by the Matilija Dam removal Oversight Group.

3.2 Perform outreach to elected officials and dam removal experts as requested by Project Team to assess feasibility of federal and state funding prioritization for project design and implementation phases.

3.3 Construct comparative timeline of proceeding with or without USACE as federal lead and identify areas of uncertainty and where issues may arise.

Reporting

Task 4. Write draft and final report stating the findings of the study.

4.1 Complete the draft and final reports incorporating the analyses outlined in Tasks 1-3. Identify recommendations on best path forward including a Risk/Benefit summary matrix and SWOT analysis. Include detailed references and current contacts (phone, email, address) for dam removal leads.

4.2 Provide the draft report digitally in Word (2016) format. Comments will be provided by

CA Department of Parks and Recreation: RFP – Rindge Dam Removal Pathway Risk-Benefit Assessment
CalTrout/Project Team via track changes and a summary memo. Assume two weeks for receipt of comments. Submit final report to CalTrout two weeks after receipts of comments in Word and pdf format. Submit six color double-sided copies of the final document to CalTrout.

Task 5. Project Management

5.1 Assume at least monthly meetings with CalTrout and Project Team to discuss issues and provide progress reports. Monthly progress reports with deliverables and percent completion progress updates are required along with the invoices.

Minimum Qualifications for Respondents

- The respondent shall be fully capable, qualified, insured, and licensed as required to provide these services.
- The respondent shall have significant experience with USACE dam removal efforts or similar USACE-led capital projects and the associated regulatory processes. Respondents with experience changing federal leads and/or similar dam removal project management are preferred.
- The Respondent shall list all their offices used by the firm, and identify the office location from which the primary work on this project would be performed.
- The Respondent shall present three (3) projects completed by the firm that demonstrate the respondent's competence to perform work similar to that which is required on this project.
- The Respondent shall name a project manager for these services who will coordinate all activities with CalTrout and DPR Staff.

Work Plan, Personnel and Work Schedule Requirements

Each respondent shall develop and include:

A thorough work plan and/or schedule for project completion: The plan identifies each major task, necessary subtask, and/or specific milestones by which progress can be measured and payments made. Identify anticipated personnel hours per position for this timeline.

Project Personnel: Respondent shall identify name and title of all key personnel used in the performance of these services. Provide a resume and a description of the project assignment or role which that person will be expected to fulfill. Confirm availability of identified personnel to complete the work.

Sub-consultants and/or Subcontractors: Identify each subcontractor necessary to complete the project. Include the subcontractor's name, address, the service provided, and a brief summary of the respondent's work history with the subcontractor.

Cost Detail Format and Requirements:

Each proposal must contain an estimated budget, broken down into four (4) categories: Personnel Services, Operating Expenses, Contractual Services and Indirect/Overhead charge. The estimated budget should be presented in Time and Material format, with a Not To Exceed maximum. The budget should contain all project costs.

Personnel Services Costs: All employee costs, including benefits, which are required to complete the proposed project per task. List each employee classification, their hourly rate and estimated number of hours.

Operating Expenses: Include all materials and incidental costs.

Contractual Services: are those necessary for the implementation of the proposal for which the respondent will subcontract. These services are undertaken by a provider external to the respondent's organization.

Indirect Charge – Rate, amounts to which rate applies, and total.

Submission of Proposals

All parties should submit proposal by 5:00 PM (PST) on Tuesday March 12, 2019 by email (preferred) or paper hard copy to **Sandra Jacobson**, Director - South Coast Region, California Trout, at the following email: sjacobson@caltrout.org or mailed to California Trout, 5425 Oberlin Drive, Suite 209, San Diego CA 92121.

Bids should include contact information as indicated below and cost estimates responsive to Project requirements stated above.

- The name of the solicitation;
- Bidder's name, address, telephone, FAX number and email address;
- Names, titles, and telephone and FAX number and email addresses of persons authorized to negotiate with CalTrout on the bidder's behalf for this solicitation;
- Name, title, and signature of person authorized to sign the proposal.
- Information on costs to perform the work; and
- Any such information as the bidder deems appropriate to evaluate experience and technical qualifications such as a portfolio.

Project Team members will evaluate all respondent bids with a uniform scoring matrix considering both cost and qualifications, and reserve the right to consult with and to consider information from its own sources, including information from state and federal agencies regarding the bidder's prior performance or the status of outstanding investigations or warrants involving the bidder.

Bidders may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award. Please identify any confidential information in the proposal not intended for public view or should only be used by Project Team during bid evaluation.

Special Contract Award Requirements

Conflict of Interest

The Contractor warrants that, to the best of the Contractor's knowledge and belief, there are no relevant facts or circumstances which could give rise to an organizational conflict of interest, as defined in FAR Subpart 9.5, or that the Contractor has disclosed all such relevant information.

The Contractor agrees that if an actual or potential organizational conflict of interest is discovered after award, the Contractor will make full disclosure in writing to the Primary Contact. This disclosure shall include a description of actions that the Contractor has taken or proposes to take, after consultation with the Principal Investigator, to avoid, mitigate, or neutralize the actual or potential conflict.

Remedies – The Principal Investigator may terminate this contract for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the Contractor was aware of a potential organizational conflict of interest prior to award or discovered an actual or potential conflict after award and did not disclose or misrepresented relevant information to the Principal Investigator.

The Contractor further agrees to insert provisions that shall conform substantially to the language of this clause, including this paragraph, in any subcontract, personnel agreement, or consultant agreement hereunder.

Indemnification

Indemnification – Contractor shall indemnify and hold harmless California State Parks, Resources Legacy Fund, CalTrout and their officers, agents, employees, boards and commissions, against any and all loss, damages, liability, claims, suits, costs and expense whatsoever, including reasonable attorneys fees, regardless of the merits or outcome of any such claim or suit arising from or in any manner connected to Contractor's negligent performance of services provided or work conducted or performed pursuant to this agreement.

Insurance

Evidence of Insurance Provision. Before the final execution of this contract, Contractor and any Subcontractors shall produce a standard Accord form Certificates of Insurance with Insurance Carriers demonstrating all required insurances. The Certificate shall also comply with the Additional Insured Provision, Subrogation Waiver Provision and forward actual endorsements from the Contractor's insurance carriers evidencing required coverage amendments.

Sufficiency of Insurance. The insurance limits or coverages required by CSPR are not represented as being sufficient to fully protect the Contractor. Contractor is advised and responsible to determine its own adequate coverage or limits for the Contractor/subcontractor.

Appendix A Dam Removal Programs and Permits

From Regional Water Quality Control Board website

https://www.waterboards.ca.gov/water_issues/programs/nps/encyclopedia/5_1d_chnlmod_damremoval.html

The following federal requirements may apply to dam or levee removal:

- [Rivers and Harbors Act Permit](#)
- [FERC License Surrender or Non-power License Approval](#)
- [National Environmental Policy Act \(NEPA\) Review](#)
- [Endangered Species Act Section 7 Consultation](#)
- [Magnuson-Stevenson Act Consultation](#)
- [National Historic Preservation Act Compliance](#)

The following state requirements might apply to dam or levee removal:

- [Clean Water Act \(CWA\) Section 404 Dredge and Fill Permit](#)
- [Coastal Zone Management Act Certification](#)
- Waterway Development Permits
- [Dam Safety Permit](#)
- [California Environmental Quality Act](#)
- [Historic Preservation Review](#)
- Resetting the Floodplain
- [Clean Water Act \(CWA\) Section 401 Water Quality Certifications](#)

Demolition and building permits may also be required for dam removal. Individual state and local governments may have additional requirements as well (USEPA 2007).

- [Federal Energy Regulatory Commission](#) (FERC) through the Federal Water Power Act (FPA) regulates the licensing of dam construction and re-licensing of large dams used for hydropower. The FERC re-licensing process ([18 CFR Parts 2, 4, 5, 9, 16, 375, and 385](#)) allows for the equal consideration of beneficial uses which may have not been considered when the dam was originally constructed (before the Clean Water Act, Endangered Species Act, and other environmental laws were passed). In fact, under FPA section 4(e) FERC must give equal consideration to energy conservation; the protection and enhancement of fish and wildlife habitat, the protection of recreational opportunities, and the preservation of other aspects of environmental quality including water quality under SWRCBs [Clean Water Act Section 401](#). FERC must operate and maintain a dam so that the best mix of beneficial uses are considered and managed.
- California Department of Water Resources [Fish Passage Improvement Program](#) staff meet with local, State, and federal agencies and stakeholder partners to plan and implement projects to remove barriers that impede migration and spawning of anadromous fish species. This program's Web site has a link to a table of dams removed in California.
- Department of Homeland Security, Federal Emergency Management Agency, [National Dam Safety Program](#) (NDSP) is a partnership of the states, federal agencies, and other

stakeholders to encourage individual and community responsibility for dam safety. Established by the Water Resources and Development Act of 1996, three components include grant assistance to States, and Dam Safety research and training.

- Department of Water Resources (DWR), [Division of Safety of Dams](#) conducts investigations of selected dams, which include a comprehensive review of all pertinent material contained in the Division's files, a visual project inspection, technical studies when necessary, and preparation of a comprehensive report.
- DWR, [Delta Levees Program](#) is responsible for improving the flood protection and ecosystem resources of the Delta Levee System. DWR sponsors locals, who undertake various improvement projects to achieve these ends for the benefit of Delta landowners, State Water Project contractors, and the ecological communities which depend on vital natural habitats. DWR manages these projects in cooperation with the Department of Fish and Game, the Reclamation Board, and other federal, State, and local agencies. The Delta Levees Program is an active participant in the CALFED process.
- DWR, [FloodSAFE](#) is a sustainable integrated flood management and emergency response system throughout California that improves public safety, protects and enhances environmental and cultural resources, and supports economic growth by reducing the probability of destructive floods, promoting beneficial floodplain processes, and lowering the damages caused by flooding.
- DWR, [Levee Repair](#) web pages provide a wide range of information on California's levee system and the efforts the State is undertaking to evaluate the stability of the system and implement critically needed repairs designed to protect our communities, farmlands, and infrastructure.
- [California Department of Fish and Wildlife](#) is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. To meet this responsibility, the law requires any person, State, or local government agency, or public utility proposing a project that may impact a river, stream, or lake to notify the Department before beginning the project. If the Department determines that the project may adversely affect existing fish and wildlife resources, a Lake or Streambed Alteration Agreement is required.
- The [Clean Water Act Section 401 – Certification and Wetlands Program](#) administered by Regional Water Quality Control Boards (RWQCBs), review projects that require a federal permit under CWA section 404 or that involve dredge or fill activities that may result in a discharge to waters of the United States. This is to ensure that the State's interests are protected on any federally permitted activity occurring in or adjacent to waters of the State. Detailed information about CWA section 401 in California, including a description of the program, resources, legal background information, proposed projects, and links, are described on the SWRCB Web site.
- NRCS, [USDA Service Centers](#) provides the address of a USDA Service Center and other Agency offices serving your area along with information on how to contact them. The local NRCS staff can provide technical assistance to small dam owners for operator and maintenance activities.

- US Army Corps of Engineers 404 Permitting Program, [Sacramento District / Regulatory Program](#) administers and enforces Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Under Section 10, a Corps permit is required for work on structures in, over or under navigable waters of the United States. Under Section 404, a Corps permit is required for the discharge of dredged or fill material into waters of the United States. Many waterbodies and wetlands in the nation are waters of the United States and are subject to the Corps' Section 404 regulatory authority.
- US Fish and Wildlife Service (USFWS) [Section 7 of the Endangered Species Act](#) directs all Federal agencies to use their existing authorities to conserve threatened and endangered species and, in consultation with the Service, to ensure that their actions do not jeopardize listed species or destroy or adversely modify critical habitat. Section 7 applies to management of Federal lands as well as other Federal actions that may affect listed species, such as Federal approval of private activities through the issuance of Federal permits, licenses, or other actions.
- USFWS, [National Fish Passage Program](#) uses a voluntary, non-regulatory approach to remove and bypass barriers. The Program addresses the problem of fish barriers on a national level, working with local communities and partner agencies to restore natural flows and fish migration. The Program is administered by National and Regional Coordinators, and delivered by Fish and Wildlife Management Assistance Offices, with their 300 biologists located across the Nation.